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Attorneys for Defendants

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

EMILIA SANTOS, an individual, on behalf of
herself and all others similarly situated

Plaintiffs,

v.

UNITED PARCEL SERVICE, INC., a Delaware
Corporation; UNITED PARCEL SERVICE,
INC., an Ohio Corporation; and DOES 1 through
10, inclusive

Defendants

CASE NO.: 3:18-cv-03177-EMC

**JOINT STIPULATION OF DISMISSAL,
WITH PREJUDICE, OF DEFENDANT
UNITED PARCEL SERVICE, INC., A
DELAWARE CORPORATION, AND
[PROPOSED] ORDER**

Court Room: 5

Judge: Hon. Edward M. Chen

1 Walter Haines (SBN 071075)

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2 **UNITED EMPLOYEES LAW GROUP**

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3 Huntington Beach, CA 92649

4 Tel.: 888.474.7242; Fax: 562.256.1006

5 Attorney for Plaintiff on behalf of herself and all others similarly situated

1 WHEREAS, on May 29, 2018, Plaintiff filed a Class Action Complaint for wage and
2 labor violations on behalf of herself and all others similarly-situated, current and former non-
3 exempt employees of Defendants within the State of California who worked in a distribution
4 center as a part time supervisor, or a position with similar duties and/or job titles, at any point
5 from May 29, 2014 to the present, and who suffered from violations arising out of Defendants
6 failure to pay wages for all time worked and failure to provide timely and uninterrupted meal
7 and rest periods.

8 WHEREAS, Plaintiff filed the Class Action Complaint against Defendants United Parcel
9 Service Inc., (a Delaware Corporation); United Parcel Service Inc., (an Ohio Corporation); and
10 DOES 1 through 10, inclusive.

11 WHEREAS, Defendant by and through its counsel of record, has disclosed and certified
12 to Plaintiff that:

- 13 1. United Parcel Service Inc. (a Delaware Corporation) is a holding company with
14 no employees;
- 15 2. United Parcel Service Inc. (a Delaware Corporation) issues stock to the public
16 and there are no publicly held companies that own 10% or more of United Parcel
17 Service, Inc's stock;
- 18 3. United Parcel Service Inc. (a Delaware Corporation) wholly owns United Parcel
19 Service of America, Inc., which wholly owns UPS Worldwide Forwarding, Inc.,
20 which wholly owns United Parcel Service, Inc. (an Ohio Corporation).
- 21 4. United Parcel Service of America, Inc., UPS Worldwide Forwarding, Inc., and
22 United Parcel Service, Inc. (an Ohio Corporation) do not issue stock to the public.

23 WHEREAS, after the above information has been disclosed and certified to Plaintiff and
24 her counsels of record, it can be concluded that United Parcel Service, Inc. (a Delaware
25 Corporation) is not the employer entity.
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1 THEREFORE, the parties, by and through their counsels of record, hereby stipulate,
2 pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, to the dismissal, with
3 prejudice, of any and all claims against Defendant United Parcel Service, Inc. (a Delaware
4 Corporation) in the above-captioned matter, with each party to bear their own attorneys' fees
5 and costs incurred in this action, notwithstanding the provision of Federal Rule of Civil
6 Procedure 54(d).

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10 Dated: 7 August 2018

Respectfully submitted:

11 THE MARKHAM LAW FIRM

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14 Michael J. Morphew
15 Attorney for Plaintiff

16 E-mail: mmorphew@markham-law.com

17
18 Dated: 7 August 2018

Respectfully submitted:

19 GRUBE BROWN & GEIDT LLP

20
21 s/ Elizabeth A. Brown

22 Attorney for Defendant

23 E-mail: lisabrown@gbgllp.com
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1 **[~~PROPOSED~~] ORDER**

2 **IT IS SO ORDERED THAT THE STIPULATION IS APPROVED.**

3 Having read and considered the foregoing stipulation, the Court hereby orders the dismissal,
4 with prejudice, of any and all of Plaintiff's claims against Defendant United Parcel Service, Inc. (a
5 Delaware Corporation). Each party will bear their own attorneys' fees and costs incurred in this action,
6 notwithstanding the provision of Federal Rule of Civil Procedure 54(d).
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9 Dated: 8/10/18

Hon. Edward M. Chen

